

## AFFIDAVIT

## In Support of Application for Search Warrant

I, John R. Ribeiro III, being duly sworn depose and say that I am a Police Officer for the City of New Bedford, Massachusetts. I have been employed in this capacity for over five years. I was previously assigned as a Detective in the Juvenile/Sexual Assault Unit where I worked for over two years. I am currently assigned as a Detective in the Organized Crime Intelligence Bureau, which specializes in but not limited to narcotics investigations. I have conducted investigations into the violations of the Controlled Substance Act resulting in numerous arrests for various narcotics violations. I am also currently assisting federal agents with similar investigations involving the sale of narcotics and firearms.

During the course of my duties, I have conducted undercover surveillance during narcotics investigations. I have participated in the execution of numerous search warrants. I have cultivated information from confidential informants as well as from drug distributors and drug users who have been arrested in possession of controlled substances. I have also received information in the identification of controlled substances during my 2080 hours of training in the Plymouth Police Academy instructed by the Massachusetts Criminal Justice Training Council and 3 days of training by the United States Drug Enforcement Administration. I have successfully completed an 80 hour training in Basic Narcotics Investigations sponsored by the United States Drug Enforcement Administration (DEA). I have also received training from several veteran Detectives from the Organized Crime Intelligence Bureau in the identification and pricing of various quantities of controlled substances.

As a result of my training and experience, I am familiar with various controlled substances, how they are prepared, packaged and the approximate street value for these controlled substances. I am also familiar with the common tactics used to distribute controlled substances and the common terminology used by both users and distributors of controlled substances.

During the week of January 11, 2004, this affiant spoke with a first time and confidential informant regarding a male operating a cocaine delivery service within the city of New Bedford, Massachusetts.

This confidential informant, whose identity and current address is known to me, wishes to remain anonymous for fear of physical retaliation by the target(s) of this investigation. I would not disclose its cooperation with Police become public knowledge. Based on my training and experience, this affiant believes this fear to be reasonable. For the purpose of the affidavit, this confidential informant will be referred to as Confidential Informant #1, or CI-1.

Printed Name of Affiant

Signed Under The Penalties of Perjury

Detective John R. Ribeiro III

X

Sworn and Subscribed To Before

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Signature of Justice, Clerk-Magistrate or Assistant Clerk

CH 040

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CI-1 is an admitted user of cocaine and is familiar with the methods used to package and prepare this controlled substance for street level sales. This confidential informant is also familiar with the common terminology used when referring to this drug and its approximate prices.

CI-1 states that it has purchased and continues to purchase cocaine from a male whom it knows as Cory Hubbard. CI-1 describes "Cory" as a black male, approximately 25 years old, 5'-0" tall, weighing about 210 pounds, and black braided hair.

CI-1 states that in order for it to purchase cocaine from Cory Hubbard, it would call his telephone at 774-930-0286. Upon making contact with "Cory," CI-1 states it requests a specific amount of Cocaine. CI-1 states "Cory" then instructs it to meet at a specific location in a specific amount of time. CI-1 states that upon meeting with "Cory" at the specified location, it would give "Cory" a specific amount of cash currency in exchange for a specific quantity of Cocaine. CI-1 states that "Cory" on occasion operates either a white Buick Rivera bearing Massachusetts plates or a green Volkswagen Passat station wagon.

This affiant performed a computer query of our New Bedford Police computer system records for Cory Hubbard approximately 25 years of age. According to our computer records, s affiant located a Cory Hubbard, DOB 04/28/1978, SSN #025-58-7831 listing an address 663 Kempton Street on Street 3<sup>rd</sup> floor. N-STAR Gas and Electric was contacted and we learned that Cory Hubbard, SSN #025-58-7831 is listed as the utility subscriber for the 3<sup>rd</sup> floor apartment of 663 Kempton Street, New Bedford.

During the week of January 18, 2004, this affiant met with CI-1 for the purpose of notifying Cory Hubbard 04/28/1978. This affiant handed CI-1 a digital photograph image of Cory Hubbard 04/28/1978, which was obtained through the Registry of Motor vehicles confidential listing bureau, and asked if it recognized the male depicted on the photo image. CI-1 positively identified the male on the photo image as "Cory Hubbard," the male it has purchased and continues to purchase cocaine from. Based on this identification, Cory Hubbard, date of birth 04/28/1978, will be referred to as target #1 of this investigation.

During the week of January 18, 2004 and up to the present, this affiant and Detective Encarnacao conducted surveillance of Cory Hubbard. During periods of surveillance, this affiant and Detective Encarnacao have observed the target, "Cory" operating two different vehicles, (1) White Buick Rivera and (2) green Volkswagen Passat station wagon bearing MA registration #15VP11. Cory was allowed on several occasions as he stopped at various locations usually waiting at crowded business establishments where it would not be uncommon to see people gathered. Cory would be seen meeting with a person or persons. Most of the meetings were very brief before the target and the person(s).

Printed Name of Affiant

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separated. Based on my training and experience, this is done to prevent raising suspicion of curious neighbors or police in the area and this type of activity is consistent with that of a drug delivery service being operated by this target of this investigation.

During periods of surveillance this affiant and Detective John Encarnacao observed the target Cory Hubbard operating the green Volkswagen and park in front of 663 Kempton Street. Cory would exit the motor vehicle and walk directly to the front door of 663 Kempton Street and enter until out of view. During nighttime surveillance the target entered the front door and this affiant observed the 3<sup>rd</sup> floor light illuminate several moments after the target entered. Throughout different periods of surveillance, this same motor vehicle bearing Massachusetts registration #15VP11 has been parked on Kempton Street next to 663 Kempton Street for prolonged periods of time, including late at night and early morning periods.

Within the last seventy-two hours, this affiant met with CI-1 for the purpose of making a controlled purchase of Cocaine from "Cory Hubbard." This affiant first searched CI-1 to the best of my ability, assuring that it had neither currency nor contraband on its possession. This affiant directed CI-1 to make contact with "Cory" in my presence and arrange a purchase for a specific amount of cocaine. After the arrangements were made, this affiant handed CI-1 a specific amount of U.S. currency and allowed it to go directly to a prearranged location as indicated by "Cory." This affiant then kept constant surveillance of CI-1 as it awaited the arrival of the target "Cory."

Prior to contact being made with the target of this investigation, Detective John Encarnacao and Detective Andrew Simmons proceeded to 663 Kempton Street and conducted surveillance of this address. This affiant observed the target exit from the front door of 663 Kempton Street and walk away from that address and enter the driver's side of MA. Registration #15VP11 of the green Volkswagen Passat station wagon. Detective Encarnacao followed the target directly to the pre-arranged location to meet with CI-1. Upon the arrival of the target, Detective Encarnacao and Detective Andrew Simmons observed CI-1 and the target meet briefly. A moment later, CI-1 and the target separated.

This affiant then followed CI-1 to a pre-arranged location, where CI-1 handed this affiant a specific quantity of Cocaine that it stated it had just purchased from "Cory", the target of this investigation. This affiant again searched CI-1 assuring that to the best of my ability it had neither currency nor contraband on its person, which it did not.

While this affiant met with CI-1, Detective John Encarnacao and Detective Andrew Simmons followed the target "Cory" back directly to 663 Kempton Street, New Bedford. Detective Encarnacao and Detective Andrew Simmons observed the target exit the same green Volkswagen Passat station wagon and enter the front door of 663 Kempton Street and out of their view of surveillance.

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Upon completing the controlled purchase of cocaine from target, this affiant proceeded directly to OCIB with the suspected cocaine purchased by CI-1. This suspected cocaine was subsequently field-tested by this affiant. The result of this test was positive for the presence of cocaine in this sample. This sample was then submitted for analysis.

Based on the information listed in this affidavit, this affiant is respectfully requesting search warrants be issued for the following:

- 663 Kempton Street, 3<sup>rd</sup> floor apartment, New Bedford, Massachusetts,

and

- 1999 Volkswagen Passat Station Wagon color green bearing Massachusetts plates 15VP11, registered to Delbert Green, date of birth 5/09/1982, of New Bedford, Ma

to search for all controlled substances which have been manufactured, distributed, disseminated, or acquired in violation of Chapter 94C, to include specifically cocaine.

This affiant is respectfully requesting that this search warrant be issued as an *All Persons Present Warrant*, due to the fact that retail packages of cocaine are packaged very small and can be easily concealed on one's person. An *All Persons Present Warrant* would allow all persons located inside the apartment to be searched, assuring that cocaine would not be handed from person to person, concealed and removed from the apartment. The nature of the sale of cocaine is such that participants are constantly changing, and it is difficult to determine a specific person or persons who will be on the premises at any given time. The *All Persons Present Warrant* would enable investigating officers to search anyone who might be found present inside the residence at the time the search is conducted.

This affiant also requests this warrant be issued as a **NO KNOCK WARRANT** for the following reasons: According to "Cory D. Hubbard" 04/28/1978 aka "Cory" board of probation records it documents a history of numerous drug offenses with convictions. "Cory" has been sentenced on numerous drug offenses ranging from conspiracy to violate the controlled substance act to session with intent to distribute Class A, B, and D and assault and battery charges. The extra time provided to the target and any other occupants if the members of the entry team serving the warrant confirmed to the knock and announce requirement will allow a significant additional portion of the evidence so it to be destroyed seeing there are several doorways that must be entered before target is located. target Cory Hubbard is very familiar with police tactics and police surveillance measures and has an awareness to avoid detection when being investigated due to members in the past that attempted to investigate him.

Printed Name of Affiant

Signed Under The Penalties of Perjury

Detective John R. Ribeiro III

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A NIGHTTIME WARRANT would allow detectives assigned to the entry team to use the cover of darkness allowing detectives an advantage to make a swift approach to the address undetected, because of an open approach due to the layout of the building means officers will be seen approaching during the day, while a NO KNOCK warrant would enable detectives assigned to the entry team to gain quick access into the apartment building, due to entry being made through the doors, one being a locked security entrance door and the second the door leading into the apartment. s granting the element of surprise and limiting the targets and/or other occupants the opportunity to aliate and destroy any possible evidence inside. This affiant has noticed fewer people congregating he area at night, so for safety purposes of less risk to bystanders or officers this affiant also requests nighttime warrant. This would also reduce the risk of injury to the target and any person also present of this investigation as well as detectives assigned to the entry team.

Printed Name of Affiant

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Detective John R. Ribeiro III

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CH 044

Signature of Justice, Clerk-Magistrate or Assistant Clerk

Date

SCREEN PRINT TRANSACTION\_ID: CP4712NEHDCB010427121632438

09/27/2004 16:32 MASSACHUSETTS REGISTRY OF MOTOR VEHICLES

UGR4060

## REGISTRATION/TITLE INQUIRY

FUNCTION: RI MSG: INQUIRY PROCESS COMPLETE.

PLT TYP: REG#: CLR: VIN#: WVWNA63B8XE513318 TTL# AZ997608

LIC #1 : 012808431 LIC #2 : FID#

LESSEE : RMV-1 BATCH #: 01 444705010

OWNER1 NAME : GREEN DELBERT T DOB 05/09/1981

OWNER2 NAME : DOB

CORP/CO NAME:

MAIL ADDR : 545 COTTAGE ST CITY: NEW BEDFORD ST: MA ZIP 02746

BLDG/APT : APT 1 REG LY MAIL:

RESID ADDR : CITY: ST: ZIP

BLDG/APT : GARAGE: 000-UN OWN

REG STATUS-DT: - REG EFF DT

LIFE PD: STKR#-DT: - INSP RSLT: REG EXP DT

1999 VOLK PASSAT MODEL#: GLS STYLE: STWAG CLR: GREEN /

CYL: 4 PASS: 5 DOORS : 4 TRAN : A PWR: G BUS: SEATS: ST:

TTL STATUS-DT: INAC - 05/24/2004 TTL DT: 02/13/2004 PRINT DT: 02/27/2004

PURCH DT: 02/13/2004 OD: 9999999 N/U: U PREV TTL ST/#: MA AZ8801

TTL TYPE: C BRAND: ODIS REASON CD: TTL RT ST: MA

LIEN1 TYPE/CD: / NAME:

LIEN2 TYPE/CD: / NAME:

INS CO: ORIG ISS DT: NONPROF: VA E:

PLT ORDER STATUS/DT: - LAST-NEXT BILL: -